

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

ERNEST SEXTON AND JO ANN SEXTON

PLAINTIFFS

v.

3:06CV00163-WRW

**SHERIFF WAYMOND HUTTON, Individually
and in his Official Capacity, and
DEPUTY DELBERT RIBBINS, Individually
and in his Official Capacity**

DEFENDANTS

ORDER

Pending is Plaintiffs' Motion to Substitute Party (Doc. No. 35). Defendants have not responded, and the time for doing so has passed.

Plaintiffs request under Federal Rule of Civil Procedure 25(d)¹ to substitute Dan Ellison, the current Sheriff of Lawrence County, Arkansas, in his official capacity only, for Waymond Hutton, the former Sheriff of Lawrence County, in his official capacity only.

Plaintiffs' motion is GRANTED.

IT IS SO ORDERED this 15th day of October, 2007.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Federal Rule of Civil Procedure 25(d)(1) reads:

When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the officer's successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.